

## **IC 27-11-9**

### **Chapter 9. Miscellaneous Provisions**

#### **IC 27-11-9-1**

##### **Appointment of attorney for service of process; method of serving process**

Sec. 1. (a) Every society authorized to do business in Indiana shall appoint in writing an individual resident of Indiana, a corporate resident of Indiana, or an authorized Indiana insurer to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it shall be served and shall agree in such writing that:

- (1) any lawful process against it that is served on the attorney shall be of the same legal force and validity as if served upon the society; and
- (2) the authority shall continue in force so long as any liability remains outstanding in this state.

Copies of the appointment, certified by the commissioner, shall be considered sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original might be admitted.

(b) Service shall only be made upon the attorney or, if absent, upon the person in charge of the attorney's office. It shall be made in duplicate and shall constitute sufficient service upon the society. When legal process against a society is served upon the attorney, the attorney shall immediately forward one (1) of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer. No service shall require a society to file its answer, pleading, or defense in less than thirty (30) days from the date of mailing the copy of the service to a society. Legal process shall not be served upon a society except in the manner provided in this section.

*As added by P.L.262-1985, SEC.1. Amended by P.L.130-1994, SEC.48; P.L.116-1994, SEC.71; P.L.268-1999, SEC.21.*

#### **IC 27-11-9-2**

##### **Judicial review of decisions and findings of commissioner**

Sec. 2. All decisions and findings of the commissioner made under this article shall be subject to review by proper proceedings in any court of competent jurisdiction in this state.

*As added by P.L.262-1985, SEC.1.*

#### **IC 27-11-9-3**

##### **Violations**

Sec. 3. (a) A person who knowingly makes any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining money from or benefits in any society transacting business under this chapter, commits a Class A misdemeanor.

(b) A person who solicits membership for any fraternal beneficiary association not licensed to do business in Indiana, or for

any society not authorized to do business in Indiana, commits a Class C infraction.

(c) Any person who knowingly violates, neglects, or refuses to comply with a provision of this article for which a penalty is not otherwise prescribed commits a Class B misdemeanor.

*As added by P.L.262-1985, SEC.1.*

#### **IC 27-11-9-4**

##### **Construction of article**

Sec. 4. (a) Nothing contained in this article shall be so construed as to affect or apply to:

(1) grand or subordinate lodges of societies, orders, or associations doing business in Indiana that provide benefits exclusively through local or subordinate lodges;

(2) orders, societies, or associations that admit to membership only persons engaged in one (1) or more crafts or hazardous occupations, in the same or similar lines of business, insuring only their own members and their families, and the ladies' societies or ladies' auxiliaries to these orders, societies, or associations;

(3) domestic societies that limit their membership to employees of a particular city or town, designated firm, business house, or corporation that provide for a death benefit of not more than four hundred dollars (\$400) or disability benefits of not more than three hundred fifty dollars (\$350) to any person in any one (1) year, or both; or

(4) domestic societies or associations of a purely religious, charitable, or benevolent description that provide for a death benefit of not more than four hundred dollars (\$400) or for disability benefits of not more than three hundred fifty dollars (\$350) to any one (1) person in any one (1) year, or both.

(b) Any society or association described in subsection (a)(3) or (a)(4) that provides for death or disability benefits for which benefit certificates are issued, and any society or association included in subsection (a)(4) that has more than one thousand (1,000) members, shall not be exempted from this article but shall comply with all requirements of this article.

(c) A society that under this section is exempt from the requirements of this article, except any society described in subsection (a)(2), shall not give or allow or promise to give or allow to any person any compensation for procuring new members.

(d) Every society that provides for benefits in case of death or disability resulting solely from accident and that does not obligate itself to pay natural death or sick benefits shall have all of the privileges and be subject to all the applicable provisions and rules of this article, except that the provisions relating to medical examination, valuations of benefit certificates, and incontestability shall not apply to the society.

(e) The commissioner may require from any society or association, by examination or otherwise, such information as will

enable the commissioner to determine whether the society or association is exempt from this article.

(f) Societies exempted under this section shall also be exempt from all other provisions of this title.

*As added by P.L.262-1985, SEC.1.*